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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,269	05/15/2001	Manoel Tenorio	020431.0842	2683
7590	02/17/2004		EXAMINER	
Christopher W. Kennerly Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2177	JH

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/858,269	TENORIO, MANOEL
	Examiner	Art Unit
	Susan F. Rayyan	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 May 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9,11-20,22-31 and 33-36 is/are rejected.
 7) Claim(s) 10,21,32 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1-36 are pending.

Drawings

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for

reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, such that a first search result comprising a first attribute value that has been specified in a first number of previous search queries received from the buyer will be **displayed** within an ordered list ahead of a second search result comprising a second attribute value that has been specified in a second number of previous search queries received from the buyer if the first number is greater than the second number; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

3. Information Disclosure Statement filed on July 23, 2003 (paper# 2) has been considered.
4. With regard to the Information Disclosure Statement filed on July 17, 2003 (paper#3), articles A and B included with the non-patent documents have not been considered because a paper copy was not provided.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-9,11-20,22-31,33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al. US Patent Application Publication (Pub. No.: US 2003/0195877) in view of Spiegel et al. (US 6, 466,918 B1).**

As per claims 1,12,23 Ford teaches:

a database containing a buyer profile (category preference profile of the user at p.1, paragraph 9, lines 4-5) associated with a buyer, the buyer profile comprising a record of the number of times ... sort criteria has appeared in at least some previous events involving the buyer (p.12, paragraph 143, lines 15-23); and a server operable to:

receive a plurality of search results communicated from one or more seller databases in response to an under-constrained search query in which exact attribute values are not specified for one or more attributes at paragraph 40,47 and 103, lines 1-3;

access the buyer profile (category preference profile of the user at p.1, paragraph 9, lines 4-5) to determine an order of display based on the number of times one or more sort criteria in the buyer profile applicable to the search results have appeared in the previous events involving the buyer (p.12, paragraph 143, lines 15-23); sort the search results according to the determined order of display at paragraph 136; communicate the sorted search results to the buyer at paragraph 136 and fig. 6.

Ford does not explicitly teach plurality of sort criteria however Spiegal teaches a plurality of sort criteria at col.6, lines 5-13 and 40-50 and col.8, lines 60-66 and col.9, line 64 bridging to col.10, line7. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide an alternative method for evaluating popularity levels of specific books (col.15, lines 48-54).

As per claims 2,13, 24 same as claim arguments above and Ford teaches: wherein an attribute value is selected from the group consisting...of a seller attribute value at p.4, paragraph 40. Spiegal more explicitly teaches a product attribute value at col.4, lines 53-61 and col. 6, lines11-13. Thus it would have been obvious to one of ordinary skill in the art to combine the cited reference to assist users in locating popular products (co.1, lines 66-67).

As per claim 3,14,25 are rejected by the same subject matter of claims 2,13,24.

As per claim 4,15,26 same as claim arguments above and Spiegel teaches:
wherein an event is selected from the group consisting of a search query, a sort
request, and a search result selection at col.10, lines 2-10.

As per claim 5,16,27 same as claim arguments above and Ford teaches:
wherein the server is operable to determine the order of display according to the
number of times each of a plurality of attribute values has appeared in events involving
the buyer at p.9, paragraphs 103-105.

As per claim 6,17,28 same as claim arguments above and Spiegel teaches:
wherein the server is operable to determine the order of display according to the
number of times each of a plurality of attributes has appeared in events involving the
buyer at col.6, lines 10-14 and col.9, lines 6 bridging to col.10, line 10.

As per claim 7,18,29 same as claim arguments above and Spiegel teaches:
wherein the server is operable to determine the order of display according to the
number of times a leading attribute value for each of a plurality of attributes has
appeared in events involving the buyer, a leading attribute value for an attribute being
the attribute value appearing more often than any other attribute value for the attribute
at col.6, lines 10-14.

As per claim 8 19,30 same as claim arguments above and Ford teaches:
wherein the buyer profile comprises a record of the number of times each of a plurality of sort criteria has appeared in a specified number of recent events involving the buyer at p. 12, paragraph 143, lines 15-23.

As per claim 9,20,31 same as claim arguments above and Ford teaches:
Delete a record for a sort criterion from the buyers profile...predetermined period of time or within a specified number of recent events at p.10, paragraph 119.

As per claim 11,22,33 same as claim arguments above and Ford teaches:
wherein the search query is under-cons trained in that no attribute values are specified for one or more attributes at paragraph 40,47 and 103, lines 1-3.

As per claim 34 Ford teaches:
a database containing a buyer profile (category preference profile of the user at p.1, paragraph 9, lines 4-5) associated with a buyer, the buyer profile comprising a record of the number of times each of a plurality of attribute values has been specified in at least some previous search queries received from the buyer (p.12, paragraph 143, lines 15-23);

a server operable to:
receive a plurality of search results communicated from one or more seller databases in response to an under-constrained search query in which

exact attribute values are not specified for one or more attributes at paragraph 40,47 and 103, lines 1-3;

access the buyer profile to determine an order of display of the search results based on the number of times one or more of the attribute values in the buyer profile that correspond to the attribute values left unspecified in the search query have been specified in the previous search queries received from the buyer, such that a first search result comprising a first attribute value that has been specified in a first number of previous search queries received from the buyer will be displayed within an ordered list ahead of a second search result comprising a second attribute value that has been specified in a second number of previous search queries received from the buyer if the first number is greater than the second number at p.11, paragraph 136; sort the search results according to the determined order of display at paragraph 136; communicate the sorted search results to the buyer at paragraph 136 and fig. 6.

Ford does not explicitly teach each attribute value being a product attribute value or a seller attribute value however Spiegel does teach a product attribute value at col. 9, lines 64, bridging to col.10, lines 10 (Product histories are tracked including products purchased). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to assist users in locating popular products and/or product categories within a catalog (col.1, line 67 bridging to col. 2, line 1.

As per claim 35,36 Ford teaches:

receiving a plurality of search results communicated from one or more seller databases in response to a an under-constrained search query in which exact attribute values are not specified for one or more attributes at paragraph 40,47 and 103, lines 1-3;

accessing a buyer profile associated with a buyer, the buyer profile (category preference profile of the user at p.1, paragraph 9, lines 4-5) comprising a record of the number of times each of a plurality of attribute values has been specified in at least some previous search queries received from the buyer (p.12, paragraph 143, lines 15-23);

determining an order of display of the search results based on the number of times one or more of the attribute values in the buyer profile that correspond to the attribute values left unspecified in the search query have been specified in the previous search queries received from the buyer, such that a first search result comprising a first attribute value that has been specified in a first number of previous search queries received from the buyer will be displayed within an ordered list ahead of a second search result comprising a second attribute value that has been specified in a second number of previous search queries received from the buyer if the first number is greater than the second number p.11, paragraph 136;

sorting the search results according to the determined order of display paragraph 136 and fig. 6; and

communicating the sorted search results to the buyer paragraph 136 and fig. 6.

Ford does not explicitly teach each attribute value being a product attribute value or a seller attribute value however Spiegel does teach a product attribute value at col. 9, lines 64, bridging to col.10, lines 10 (Product histories are tracked including products purchased). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to assist users in locating popular products and/or product categories within a catalog (col.1, line 67 bridging to col. 2, line 1.

Allowable Subject Matter

7. Claims 10,21,32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (703) 305-0311. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for

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Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquires and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan



February 9, 2004



DITTA ROBINSON
PRIMARY EXAMINER